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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

E-FILED - 2/6/06

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 DAVID M. FISH,
aka x000x, et al.,

16 Defendants.

No. CR 05-00445-RMW

**NOTICE OF RELATED CASE IN A
CRIMINAL ACTION AND ORDER**

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 MOISES NUNEZ,
aka cartel, aka marvel, aka OTR, et al.,

22 Defendants.

No. CR 05-00734-RMW

**NOTICE OF RELATED CASE IN A
CRIMINAL ACTION AND ORDER**

23 UNITED STATES OF AMERICA,

24 Plaintiff,

25 v.

26 PHILLIP ROSS TEMPLETON,
27 a/k/a kryptor, et al.,

28 Defendants.

No. CR 06-00054-JW

**NOTICE OF RELATED CASE IN A
CRIMINAL ACTION AND ORDER**

NOTICE OF RELATED CASES IN A CRIMINAL ACTION

Criminal Local Rule 8-1 of the Local Rules of Practice of the United States District Court for the Northern District of California, imposes a duty on any party to "promptly" notify the Court of cases which may be related. The Government hereby gives notice pursuant to Criminal Local Rule 8-1 that the above-captioned criminal cases are believed to be related since the "actions concern one or more of the same defendants and the same alleged events, occurrences, transactions or property." Criminal Local Rule 8-1(b)(1).

Based on the charges and other documents on file, each of these cases relates to the same warez conspiracy. Conspiracy and copyright charges have been filed against all of the defendants concerning their role in the warez conspiracy. A review of the two indictments further shows that there is a substantial overlap in many of the conspiracy allegations. The cases also relate to the same investigation. To date, ten defendants have been convicted before Judge Whyte in the original or related cases. The related indictment in United States v. Moises Nunez, CR 05-05-00734-RMW, was also found to be related to United States v. David M. Fish et al, CR 05-00445-RMW, after a notice of related case was filed.

Based on the foregoing, the Government believes that the two above-captioned cases concern "the same alleged events, occurrences, transactions or property" within the meaning of Criminal Local Rule 8-1(b)(1) and are therefore related to each other. As a result, the Government further maintains that assignment to a single judge is likely to conserve judicial resources and promote an efficient determination of the action. Accordingly, pursuant to Criminal Local Rule 8-1(e), the Government requests that the ten defendants charged in the Templeton case be assigned to the judge assigned to the earliest-filed case, that is, Judge Ronald M. Whyte. For the convenience of the Court, a proposed Order is submitted consistent with the regular practice of the Court and the Local Rule that related cases are generally assigned to the judge to whom the first filed action was assigned.

DATED: January 27, 2006

Respectfully Submitted,

KEVIN V. RYAN
United States Attorney

/S/

MARK L. KROTOSKI
Assistant United States Attorney

ORDER

For Good Cause shown,

Pursuant to Criminal Local Rule 8-1(e), the Court finds the case of United States v. David M. Fish et al., CR 05-00445-RMW, is related to United States v. Phillip Ross Templeton et al, CR 06-00054 JW. The actions concern one or more of the same alleged events, occurrences, transactions or property; and the actions appear likely to entail substantial duplication of labor if heard by different Judges or might create conflicts and unnecessary expenses if conducted before different Judges.

IT IS THEREFORE ORDERED that case number CR 06-00054 JW be reassigned to the Honorable Ronald M. Whyte. All captions in the reassigned case shall now appear as CR 06-00054 RMW.

SO ORDERED.

DATED: February 6, 2006

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge